

THE GEORGE WASHINGTON UNIVERSITY  
Washington, D. C.

MINUTES OF A REGULAR MEETING  
OF THE FACULTY SENATE HELD ON  
MAY 5, 1978, IN THE FACULTY  
CONFERENCE ROOM, SIXTH FLOOR,  
LISNER HALL

1 The meeting was called to order by President Elliott at 2:15 p.m.

Present: President Elliott, Provost Bright, Registrar Gebhardtsbauer, Parliamentarian Smalls, Adams, Amling, Claeysens, Cohn, Ginsburg, Heddeshimer, Hill, Jones, Kurtz, McDonald, Park, Pierpont, Rashid, Robinson, Schiff, Schwartz, Schwoerer, Solomon, Steiner, Toridis, Walker, Wood, and Ziolkowski

Absent: Birnbaum, Fox, Kramer, Lessin, Liebowitz, Linton, Reesing, Sapin, Shotel, Tillman, and Vaill

2 The President called for approval of the minutes of the regular meeting of April 14, 1978, as distributed. Professor McDonald asked that a correction be made on Page 1, Lines 9 and 10 of the third paragraph, to substitute the word "Chair" for the term "Chairperson" after Professor Peterson's name so that the same would read: ". . . Professor Ruth Peterson, Chair, and Professors David Altshuler and Paul Churchill . . . ." Professor Park asked that a correction be made on Page 4, Line 6 of text, to substitute the words "other tenured faculty" for the word "them" so that the same would read: ". . . the same opportunity that will be accorded other tenured faculty by statute as of July 1, 1982." This correction was also accepted and made. The minutes were then approved as corrected.

3 On behalf of the Executive Committee, Professor Wood reported further on the status of the case of Professor Nicholas Kyriakopoulos, Associate Professor, Department of Electrical Engineering and Computer Science, School of Engineering and Applied Science, by reading the following communications: (1) letter dated April 12, 1978, from Professor Kyriakopoulos to the Executive Committee; (2) letter dated April 21, 1978, from the Executive Committee to Professor Kyriakopoulos; and (3) letter dated May 2, 1978, from Professor Kyriakopoulos to the Executive Committee. [These letters are attached hereto and made a part of these minutes by reference herein.] Professor Wood said that he would like to point out for the record that the April 12th communication to the Executive Committee from Professor Kyriakopoulos did not indicate to the Executive Committee that he was filing a new complaint based upon new alleged actions by the Personnel Committee in the fall of 1977; this fact, Professor Wood said, was made clear in Professor Kyriakopoulos' May 2nd letter to the Executive Committee. Accordingly, he said, the Executive Committee wished to place in nomination the names of five faculty members, three of whom would be appointed to serve on a Special Committee to informally investigate Professor Kyriakopoulos' allegations of violations of his rights under the Faculty Code. On behalf of the Executive Committee, Professor Wood moved the nomination of the following faculty members, three of whom would be appointed to the Special Committee: David B. Weaver, Professor of Law, Edward A. Caress, Associate Professor of Chemistry, Anthony J. Mastro, Professor of Accounting, O'Neal Smalls, Professor of Law, and John J. McMillan,

Associate Professor of Psychiatry and Behavioral Sciences. The motion was seconded. No nominations were made from the floor, and the nominees were unanimously elected.

- 4 On behalf of the Executive Committee, Professor Wood moved the nomination for membership on the following committees:

(a) Nomination for appointment by the President to the following committees: Committee on University Bookstore: Robert F. Dyer, Chairperson, Ernest N. Albert, and Jackson K. Kern; Committee on University Parking: Raymond R. Fox; GW Forum: A. E. Claeysens, Jr., Editor-in-Chief, John G. Boswell, and Robert L. Combs; Advisory Committee for the Charles E. Smith Center for Physical Education and Athletics: Robert G. Jones; Student Volunteer Action Council: Honey W. Nashman;

(b) Nomination for appointment by the Board of Trustees to the following committees: Trustees' Committee on Academic Affairs: Stefan O. Schiff; Trustees' Committee on Student Affairs: Stephen R. Chitwood;

(c) Nomination for election by the Senate of fifteen faculty members to the Panel for Student Grievance Review Committees for the 1978-79 Term: Professors Guy Black, George R. Bozzini, Martha A. Burns, Gerald H. Caplan, Barbara Gilson, Charles J. Herber, Nancy D. Johnson, Phyllis D. Kind, Ali M. Kiper, Davis L. Lee, Cynthia McClintock, Judith A. Plotz, O'Neal Smalls, Anne S. Thompson, and Neofytos T. Tsangaris;

(d) Nomination for election by the Senate of James A. Deye, Associate Professor of Radiology, Arthur D. Friedman, Professor of Engineering and Applied Science, and David B. Weaver, Professor of Law, to the Appointment, Salary and Promotion Policies Committee.

The President called for nominations from the floor. No other nominations were made and the entire slate was elected unanimously.

Professor Wood asked for permission to suspend the rules in order to nominate a replacement on the Executive Committee for Professor Schwartz, who was taking sabbatical leave shortly. No objection was made to suspending the rules, and Professor Wood moved the nomination of Professor Gilbert J. Ginsburg for election to the Executive Committee as a replacement for Professor Schwartz. The motion was seconded. No nominations were made from the floor and Professor Ginsburg was unanimously elected to serve on the Executive Committee.

- 5 Under Brief Statements, Professor Wood asked for the privilege of moving the following citation prepared by Professor Fox who was unable to be present:

Professor Joseph B. Smith, Jr., is retiring at the close of the Spring 1978 Semester after twelve years as a member of the faculty of the Department of Engineering Administration in the School of Engineering and Applied Science. During this period, he has been involved in a number of university activities, including membership in the Faculty Senate, and he served as Chairman of the Senate Committees on University Objectives and on Research. Professor Smith will now have the opportunity to spend more time at his Frederick, Maryland farm and to become further involved in local civic affairs.

I ask the Faculty Senate to record an expression of appreciation for Professor Joseph B. Smith, Jr., upon the occasion of his leaving active service of The George Washington University.

The motion was seconded, and the citation honoring Professor Smith was unanimously adopted.

Professor Wood then said that he wished to pay tribute also to Professor Pierpont who had recently celebrated his 30th year of service with the University.

Professor Park then made the following statement on behalf of the ad hoc Committee on Retirement:

At the last Senate meeting I made the general announcement that the ad hoc Committee on Retirement was reviewing the possibility of making a recommendation to the President on the narrow question of whether faculty members, exempted from the protection of the right to work until age 70 by the recent amendment to the Age Discrimination Statute, should be voluntarily extended that right by the University, so that the University would undertake to employ tenured faculty up to age 70. Since that Senate meeting, we have completed the first phase of that study. After consulting with a variety of people, we concluded that the prevailing sentiment was clearly in favor of granting the right to work to age 70 to tenured faculty, as it is extended by the statute to administrative persons and to staff and to non-tenured faculty. And so we did recommend on the 1st of May to the President that the University undertake to extend the option of working to age 70 as of 1 January 1979, when the statute becomes effective for other Americans, to our tenured faculty.

There are numerous other issues associated with extending employment to 70, not particularly as to the 24 persons in the class that would turn 65 before July 1, 1982, but as to the whole University. The questions include whether we should retain a normal retirement age of 65, even though giving people an option to work until 70; what should be the impact upon medical benefits, contributions to retirement, life insurance and other benefits; and whether the University should adopt a program of incentives to encourage early retirement or early partial retirement. All these different kinds of questions continue to be before the ad hoc Committee on Retirement, and it is working with the Committee on Fiscal Planning and Budgeting and the Committee on Appointment, Salary and Promotion Policies to create special task forces to deal specifically with these special problems that affect every university under the statute. We continue to solicit your comments, your interest, and your suggestions. We hope to have a preliminary report on these other matters sometime in the fall term.

6 President Elliott noted that the next scheduled meeting of the Faculty Senate was September 15, 1978. Upon motion made and seconded, the President then adjourned the meeting at 2:30 p.m.



Robert Gebhardtsbauer  
Secretary

Professor Reuben Wood, Chairman  
Executive Committee of The Senate  
The George Washington University  
Washington, D. C. 20052

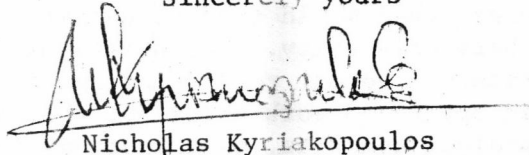
12 April 1978

Dear Professor Wood;

The Personnel Committee of the Department of Electrical Engineering and Computer Science, in considering my promotion to the rank of Professor has violated my rights under the law and the Faculty Code by introducing religious considerations in its application of the criteria of the Department and the School. Specifically, an overwhelmingly Jewish committee has been discriminating against me by applying the criteria for promotion to the rank of Professor in a significantly different manner to me than to the Jewish members of the faculty in the same rank.

Pursuant to Article E.2 of the Procedures of the Code, I am requesting the Senate to investigate this matter.

Sincerely yours

A handwritten signature in dark ink, appearing to read "Nicholas Kyriakopoulos", written over a horizontal line.

Nicholas Kyriakopoulos

Associate Professor of Engineering





Faculty Senate

April 21, 1978

Associate Professor Nicholas Kyriakopoulos  
2101 L Street, N. W.  
Room 903-C  
Washington, D. C.

Dear Associate Professor Kyriakopoulos:

The complaint you transmitted to me in your letter of 12 April 1978 has been considered by the Executive Committee of the Faculty Senate. We arrived at the following conclusions:

Here we start with the first three sentences of the opinion of the Appeal Committee as written by Professor Seidelson. "Nicholas Kyriakopoulos (appellant), Associate Professor in the Department of Electrical Engineering and Computer Science, School of Engineering and Applied Science, initiated this grievance proceeding against the Personnel Committee (appellee) of the Department of Electrical Engineering and Computer Science, alleging that appellee, in twice declining to recommend that appellant be promoted to the rank of Professor, acted in an arbitrary, capricious and discriminatory manner. Those decisions of appellee were made in 1975 and 1976. It should be noted that the discrimination alleged was not based on race, color, religion, sex or national origin; rather, appellant alleged that appellee had treated appellant differently than it had treated others seeking a similar promotion."

It seems to us that the complaint stated in your letter of 12 April 1978 falls within the last phrase of the above-quoted sentences, namely within "... appellant alleged that appellee had treated appellant differently than it had treated others seeking a similar promotion." The Hearing Committee denied appellant's complaint and its judgment was affirmed by the Appeal Committee. If our reading and interpretation of the foregoing facts are correct, your letter of 12 April 1978 amounts only to a request that the whole process be repeated so that you can put up a new argument and perhaps introduce new testimony relative to the alleged discriminatory treatment. You were, of course, free to present such arguments and testimony in the hearing and appeal which have been concluded. We cannot approve of

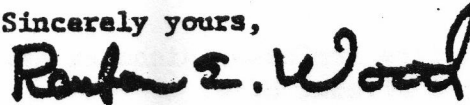
THE  
GEORGE  
WASHINGTON  
UNIVERSITY

Washington, D. C. 20006

starting the whole process over again.

The position of the Executive Committee stated above will be reported to the Faculty Senate at its next meeting, May 5, 1978.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Reuben E. Wood". The signature is written in a cursive style with a large, prominent "R" and "W".

Reuben E. Wood  
Chairman, Executive Committee  
of the Faculty Senate

REW/dt

cc: Members of the Executive Committee

2 May 1978

Professor Reuben E. Wood, Chairman  
Executive Committee of the Senate  
The George Washington University  
Washington, D. C. 20052

Dear Professor Wood:

This is in reference to your letter of 21 April 1978 setting forth the position of the Executive Committee with respect to my letter of complaint of 12 April 1978.

I wish to inform you that your "... reading and interpretation..." of the facts concerning my letter of complaint of 12 April 1978 are incorrect. In the second paragraph of your letter, it is stated that the "... decisions of (the Personnel Committee of the Department of Electrical Engineering and Computer Science) were made in 1975 and 1976." The Appeals Committee is referring to those decisions only.

Sometime in the Fall of 1977, the Personnel Committee took an action about which I was not informed until February 1978. This action was not examined either by the Hearing Committee or by the Appeals Committee. Since this is a new and unjustifiable action by the Personnel Committee, the Faculty Code gives me the right to file a complaint under the Procedures for the Implementation of Article X.

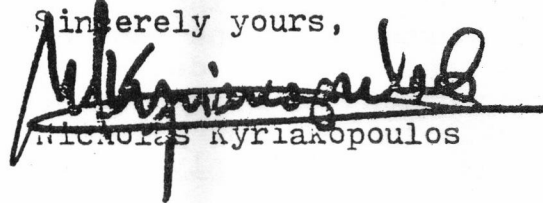
Furthermore, please be reminded that the Faculty Code does not give the Executive Committee the right to intervene in the grievance procedure except in a very limited sense. The only role assigned to the Executive Committee in these proceedings is its participation in the selection of a Special Committee which is to attempt to mediate the dispute. Since the Executive Committee derives its authority solely from the Code, then, any action taken by the Executive Committee regarding questions of implementation of the same Code must be based on some relevant provision of the Code. There is no provision in the Code empowering the Executive Committee to express an opinion or form a judgment concerning the legitimacy of a complaint filed by a faculty member. The only panel explicitly authorized by the Code to investigate allegations of violations of rights is a properly constituted Grievance Committee.

In light, therefore, of your well-defined and limited role in the grievance proceedings, the statement "We cannot approve of starting the whole process over again" is not for you to make, and it, in and by itself, violates my right of

proper judicial review under the Code. This statement should, therefore, be withdrawn and my memorandum of 12 April should be handled in the manner specified by the relevant provisions of the Code.

It is my understanding that on 5 May 1978 you will apprise the Faculty Senate of these developments. Proper judicial procedures, if not collegial courtesy, dictate that my present reply to your letter of 21 April be also read to the same Senate meeting of 5 May 1978.

Sincerely yours,

  
Nicholas Kyriakopoulos

cc: Members of the Executive Committee

Professor E. Winslow, Chairman  
Grievance Committee



THE GEORGE WASHINGTON UNIVERSITY  
Washington, D. C.

The Faculty Senate

April 26, 1978

The Faculty Senate will meet on Friday, May 5, 1978, at 2:10 p.m., in the Faculty Conference Room on the Sixth Floor of Lisner Hall.

AGENDA

1. Call to order
2. Minutes of the regular meeting of April 14, 1978
3. Further report on the status of Nicholas Kyriakopoulos, Associate Professor, Department of Electrical Engineering and Computer Science, School of Engineering and Applied Science; Professor Reuben E. Wood, Chairman, Executive Committee
4. General Business:
  - (a) Nomination for appointment by the President to the following committees:  
Committee on University Bookstore: Robert F. Dyer, Chairperson, Ernest N. Albert, and Jackson K. Kern; Committee on University Parking: Raymond R. Fox; GW Forum: A. E. Claeysens, Jr., Editor-in-Chief, John G. Boswell, and Robert L. Combs; Advisory Committee for the Charles E. Smith Center for Physical Education and Athletics: Robert G. Jones; Student Volunteer Action Council: Honey W. Nashman
  - (b) Nomination for appointment by the Board of Trustees to the following committees:  
Trustees' Committee on Academic Affairs: Stefan O. Schiff; Trustees' Committee on Student Affairs: Stephen R. Chitwood
  - (c) Nomination for election by the Senate of fifteen faculty members to the Panel for Student Grievance Review Committees for the 1978-79 Term: Professors Guy Black, George R. Bozzini, Martha A. Burns, Gerald H. Caplan, Barbara Gilson, Charles J. Herber, Nancy D. Johnson, Phyllis D. Kind, Ali M. Kiper, Davis L. Lee, Cynthia McClintock, Judith A. Plotz, O'Neal Smalls, Anne S. Thompson, and Neofytos T. Tsangaris
  - (d) Nomination for election of James A. Deye, Associate Professor of Radiology, Arthur D. Friedman, Professor of Engineering and Applied Science, and David B. Weaver, Professor of Law, to the Appointment, Salary and Promotion Policies Committee (Professor Deye's name was inadvertently omitted from the original list of nominees proposed for membership on this committee at the March 10th Faculty Senate meeting.)
5. Brief Statements
6. Adjournment



Robert Gebhardt Bauer  
Secretary